

MINUTES
TOWN OF FREDERICK
BOARD OF TRUSTEES
Frederick Town Hall
September 22, 2009
7:00 p.m.

Attendance: Mayor Eric Doering, Mayor Pro Tem Sue Wedel, Trustees Gerry Pfirsch, Tony Carey, Liberta Hattel and Amy Schiers. Also present were Town Administrator Derek Todd, Town Attorney Rick Samson, Town Clerk Nanette Fornof, Planning Director Jennifer Simmons, and Engineer Director Dick Leffler. Audience was also present.

ROLL CALL Mayor Doering called the regular meeting to order at 7:00 p.m.; role call was taken and all Trustees were present except Trustee Jim Wollack.

PLEDGE OF ALLEGIANCE Mayor Doering led the audience in the Pledge of Allegiance.

ADDITIONS OR DELETIONS TO THE AGENDA There were no additions or deletions to the agenda.

PUBLIC COMMENT

Debbie Lammers, a candidate for the St. Vrain Valley School District's Board of Education. Lammers provided information about her qualifications, her platform and desire to be a School Board member.

STAFF REPORTS

Administrative Report Town Administrator, Derek Todd, provided the Board with the Administrative Report which highlighted the following items: Home Rule Update, Miners Memorial Day 2009, and Upcoming Board of Trustees Work Sessions. The Engineering Department provided information about Invenenergy Solar Demonstration Facility and Eagle Business Park/US Engineering. From the Finance and Human Resources Department information about the Human Resources Evaluation, 2010 Preliminary Budget and Caselle Software Update was provided to the Board. The Planning Department provided information about Bulrush Wetlands Update and from the Police Department information about the Police Department Accreditation and Emergency Management Exercise was provided to the Board. The Public Works Department provided information about the Fall Community Clean-up Event, Miners' Day Update and other operations. The Town Clerk's Department provided information about the Art in Public Places Commission and Cultural and Performing Arts Commission.

Town Attorney Report Town Attorney Rick Samson provided the Board of Trustees with a written Status Report. There being no questions or comments, Mayor Doering went on to the Action Agenda. Town Attorney Samson informed the Board, that at the September 8, 2009, Board meeting, the Board made a motion to adopt the 2009 Model Traffic Code by

reference. To adopt the ordinance, notice of a public hearing needs to be posted in a local newspaper; in further review and discussion with Colorado Department of Transportation (CDOT), there are several issues in the 2009 Model Traffic Code, that need to be addressed by CDOT. Therefore, Attorney Samson requested the Board to withdraw the request to adopt the 2009 Model Traffic Code and wait to adopt the 2010 Model Traffic Code, since the concerned issues will be resolved. Motion by Trustee Carey to cancel the adoption of 2009 Model Traffic Code by reference Public Hearing, Mayor Pro Tem Wedel seconded the motion and motion carried unanimously.

ACTION AGENDA

AM 2009-089, Request to Waive Section 2.18.3 and 2.18.6(c) of the Land Use Code Allowing More Than 25% Metal Finish to a Proposed Building at 7700 Miller Drive(Front Range Tooling) The applicant wishes to construct a 6,000 square foot accessory building to be located at the rear of the lot and behind an existing building at 7700 Miller Drive. The façade of the proposed structure is metal with some stone block along the north elevation. The applicant has also proposed to add a total of five trees along the north and southwest elevations to conceal the proposed metal building from adjacent properties. The referral process indicated no conflict with the proposed request. However, staff cannot support a deviation from the provisions of the Land Use Code, unless otherwise approved by the Board of Trustees. Staff indicated that if the Board was considering the approval of the waiver conditions be added to the request. The conditions being; no more than 50% of the over-all site may consist of metal siding, sufficient landscaping (trees and shrubs) be planted along the west, east and north elevations to screen the structure from adjacent properties. The screening may include placing landscaping along the eastern side of the proposed fence, to screen the structure from the Mark Young Construction Building, which would be reviewed during the Site Plan Review process.

Motion by Mayor Pro Tem Wedel approve Resolution 09R049, A RESOLUTION CONCERNING REVIEW OF A REQUEST FOR WAIVER FROM SECTIONS 2.18.3 AND 2.18.6.C (COMMUNITY DESIGN PRINCIPLES AND DEVELOPMENT STANDARDS) OF THE FREDERICK LAND USE CODE, AND ADOPTING CERTAIN FINDINGS OF FACT AND CONCLUSIONS FAVORABLE TO THE WAIVER REQUEST, Trustee Carey seconded the motion and motion carried unanimously.

AM 2009-090, Request to Waive Section 4.11.2.A (4) of the Land Use Code for the Shrek Subdivision Amendment (Tops Business Park) On December 30, 2008, the Shrek Subdivision Amendment was approved, creating two parcels of land within the Shrek annexation. The applicant desires to reconfigure lot lines between the Shrek Subdivision Amendment and the Tops Business Park Subdivision. Section 4.10.2a (4) of the Land Use Code requires one year between approvals of a Subdivision Amendment. Consequently, the applicant has requested a waiver from this provision of the Land Use Code to facilitate parcel reconfiguration and possible development prior to the timing requirement. There were no referrals indicating a conflict with the request. Staff cannot support a deviation from the provisions of the Land Use Code, unless otherwise approved by the Board of Trustees.

Motion by Trustee Carey to approve Resolution 09R050, A RESOLUTION CONCERNING THE REVIEW OF A REQUEST FOR WAIVER FROM SECTION 4.11.2 A (4) (SUBDIVISION AMENDMENT) OF THE FREDERICK LAND USE CODE AND ADOPTING CERTAIN FINDINGS OF FACT AND CONCLUSIONS FAVORABLE TO THE WAIVER REQUEST, Mayor Pro Tem Wedel seconded the motion and motion carried unanimously.

AM 2009-091, To Authorize the Issuance of the Notice of Award to the Lowest Responsible Bidder for the 2009 Road Resurfacing Project Staff utilized the IWORQs Pavement Management System to determine streets with a remaining service life of approximately 6 to 7 years, then made a recommendation to chip seal resurfacing treatment. All potential candidates were then compared and evaluated to produce the most cost effective areas for application. Special care was taken to select contiguous work areas to reduce mobilization cost and delays. An Invitation to Bid was issued in September, with the bid opening to be September 22, 2009. A bid from A-1 Chip Seal was received in the amount of \$348,751.40. Staff requested the Board to award the bid to A-1 Chip Seal. A-1 chip Seal has indicated they will not be able to apply the Chip Seal coating project area this fall. The crack sealing portion of the contract will begin. Motion by Trustee Carey to award the 2009 Road Resurfacing Project and authorize Mayor Doering to sign the agreement with A-1 Chip Seal, Mayor Pro Tem Wedel seconded the motion and motion carried unanimously.

AM 2009-092, To Consider an Ordinance to Amend the Chapter 13 of the Frederick Municipal Code Regarding the Collection of Impact Fees Staff recommended to the Board an amendment to the Frederick Municipal Code regarding the collection of building permit fees. At the September 8, 2009, Board meeting, staff recommended a portion of the building permit fees be collected at the time of final inspection. Staff reviewed the proposal and made recommendation to the Board, that the Permit Fee, Plan Review, Construction Meter and Electrical fees be collected when the Building Permit is issued. The remaining fees; Water Tap, C-BT Water Share, Tap Installation, Improvement Fees (Central Weld County Water District Capital, Frederick Capital), Impact Fees (General Capital, Electrical, Park Improvements, Open Space, Transportation, Drainage and Sales and Use Tax) be collected prior to final inspection. The Board did voice their concern regarding the lost interest revenue, since all related building permit fees will not be collected when the building permit is issued. Staff indicated the lost interest couldn't be quantified, however once the building permits are issued, the building permit revenues will be coming in on a rotating basis, which would allow for a continual revenue stream.

Motion by Mayor Pro Tem Wedel to adopt Ordinance #1022, AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO, CONCERNING AMENDMENT TO IMPACT FEE COLLECTIONS AS SET FORTH IN SETTING A SUNSET ON SAID AMENDMENT, Trustee Carey seconded the motion and motion carried unanimously.

CONSENT AGENDA

Motion by Trustee Carey to approve the Consent Agenda with the following items; Approval of the List of Warrants for September 22, 2009, and AM 2009-088, Consider Signing an

Agreement with Weld County to Continue Motor Vehicle Sales Tax for the Town of Frederick, Mayor Pro Tem Wedel seconded the motion and motion carried with Trustee Pfirsch voting "nay" to the motion.

MAYOR AND BOARD REPORTS

Trustee Carey stated Miners' Day was a huge success and indicated he would be willing to be in charge of the Hot Air Balloon Event next year. Trustee Carey also thanks Marlys McMullen of Valley Bank and Trust, for her efforts in making the Hot Air Balloon Event a success.

Trustee Hattel made comment about how happy she (Trustee Hattel) is with the way Miners' Day Celebration turned out. Trustee Hattel also made comment about the Kinetics Art Project-there have been great comments.

Mayor Pro Tem Wedel made comments about the zip code/post office issues, the success of Miners' Day, the Kinetics Art Piece, Weld County Roads/Street naming and the Home Rule Charter election in November.

Trustee Schiers made comments about the success of the Miners' Day Celebration, the Kinetics Art Project, Frederick High School Homecoming Parade, traffic speeders through subdivisions, Police cars speeding through town, without lights or sirens and the proposed grant for the new Frederick High School.

Trustee Pfirsch made comment about the Memorandum of Understanding, Collection of Sales and/or Use Tax by Weld County Clerk and Recorder, amendments to the Frederick Land Use Code and the great job the Miners' Day Celebration Commission did for Miners' Day.

Mayor Doering made comment about Town Administrator Todd paying for a portion of his International City/County Management Association's Conference, the success of Miners' Day, the DRCOG technical representative and Weld County participation. Mayor Doering also made comment about an Executive Session meeting schedule for October 13, 2009, a letter to the United Postal Service and the Coordinated Planning Agreement between the Town of Frederick and Weld County. Additional comments were made about the joint meeting with Carbon Valley Recreation District and a proclamation for Dacono's Mayor Wade Carlson. Motion by Trustee Pfirsch to direct staff to draft a Proclamation for the City of Dacono's Mayor Wade Carlson, Mayor Pro Tem Wedel seconded the motion and motion carried unanimously. During Mayor Doering's report there was additional discussion regarding the Memorandum of Understanding between the Town of Frederick and Weld County. The discussion included the lack of a mutual termination date and a date on when the agreement would need to be renewed. Motion by Mayor Pro Tem Wedel to reconsider the motion approving the Memorandum of Understanding between the Town of Frederick and Weld County, Trustee Pfirsch seconded the motion and motion carried unanimously. A motion by Trustee Pfirsch to reconsider the Memorandum of Understanding between the

Town of Frederick and Weld County, at the October 13, 2009, Board meeting, Mayor Pro Tem Wedel seconded the motion and motion carried unanimously. Staff will address the items omitted in the agreement.

Mayor Doering also shared with the Board that he has been appointed to the Department of Local Affairs Grant Review Committee-kudos to the Mayor.

There being no further discussion, Mayor Doering closed the regular meeting at 8:24p.m.

Nanette S. Fornof, Town Clerk

Approved by the Board of Trustees

Eric E. Doering, Mayor